

## Message Text

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13

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 SS-20 L-03 H-03 CAB-09 CIAE-00

COME-00 DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 NSC-10

DRC-01 /094 W

----- 047335

R 052020Z DEC 73

FM AMCONSUL HAMILTON

TO SECSTATE WASHDC 1447

LIMITED OFFICIAL USE HAMILTON 424

E.O. 11652: N/A

TAGS: ETRN, BD.

SUBJ: CIVAIR PRECLEARANCE

REF: (A)STATE 212947; (B)HAMILTON 415

1. REFTEL (B) REPORTED GOB ACCEPTANCE CLAUSE PARA 2 AND EXPLANATION OF NEED FOR CLAUSE PARA 3 OF REFTEL (A).
2. AT THE SAME TIME CLAUSE AND EXPLANATION WERE SUBMITTED TO GOB COPIES WERE FURNISHED THE DEPUTY GOVERNOR KINNEAR FOR HMG INFORMATION.

PAGE TWO RUEBBRA1102 C O N F I D E N T I A L

3. DEC. 4 KINNEAR FORWARDED HMG REPLY TO USG CLAUSE AND EXPLANATION WHICH FOLLOWS: QUOTE. WE ARE NOT HAPPY WITH THE PROPOSED ADDITIONAL ARTICLE. IN PRINCIPLE IT IS NOT RIGHT THAT THE UNITED STATES SHOULD BE AUTHORISED TO APPLY US CRIMINAL LAW TO THINGS DONE IN BERMUDA BY PERSONS WHO ARE NOT US NATIONALS OR US REGISTERED COMPANIES. PGH. QUOTE. IF ALL THE US AUTHORITIES WANT IS THE ABILITY TO PROSECUTE IN US COURTS PERSONS WHO MAKE FALSE DECLARATIONS TO THE US CUSTOMS OFFICERS

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STATIONED IN BERMUDA (AND WHO HAVE NOT BEEN PROSECUTED

UNDER BERMUDA LAW), THE PROPOSED ADDITIONAL ARTICLE SEEMS TO BE IN QUITE UNNECESSARILY WIDE TERMS. WE THEREFORE QUESTION THE NEED FOR THE ADDITIONAL ARTICLE AS AT PRESENT DRAFTED, AND SHOULD BE GRATEFUL IF YOU WOULD ASK THE US CONSUL GENERAL TO EXPLAIN ITS UNDERLYING PURPOSE IN MORE DETAIL. PGH. QUOTE. IT MIGHT BE POSSIBLE FOR US TO AGREE TO A PROVISION DEALING SPECIFICALLY WITH PROSECUTIONS FOR FALSE DECLARATIONS IN US COURTS, BUT IT IS UNLIKELY THAT WE COULD AGREE TO ANYTHING MORE THAN THIS. UNQUOTE.

PAGE THREE RUEBBRA1102 C O N F I D E N T I A L

4. KINNEAR HAS REQUESTED CONSULATE SEEK QUOTE FURTHER CLARIFICATION UNQUOTE. PLEASE ADVISE.

MCCUE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 DEC 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** worrelsw  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973HAMILT00424  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
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**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** (A)STATE 212947; (B)HAMILTON 415  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** worrelsw  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 31 JUL 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <31-Jul-2001 by thigpegh>; APPROVED <09-Aug-2001 by worrelsw>  
**Review Markings:**

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EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR PRECLEARANCE  
**TAGS:** ETRN, BD  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005